



Docket No.: H0817.70001US00
(PATENT)

KIFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roberto Angelo Motterlini et al.
Serial No.: 10/535,508
Confirmation No.: 7230
Filed: December 16, 2005
For: THERAPEUTIC DELIVERY OF CARBON MONOXIDE
Examiner: A. Soroush
Art Unit: 1616

Certificate of Electronic Filing Under 37 CFR 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: February 20, 2009

Signature: Donelle Calder

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is included.

PART II: Information Cited

The Applicant hereby makes the following information of record in the above-identified

application.

02/23/2009 INTEFSW 00004510 10535508

01 FC:1806

180.00 DP

1588388.1

The Applicant would like to bring to the Examiner's attention the following co-pending application that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
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10/275,780	January 27, 2006	Motterlini et al.	H0817.70000US01
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A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the following communications (copies enclosed) from a related U.S. Application:

<u>Serial No.</u>	<u>Mailing Date</u>	<u>Type of Communication</u>	<u>Docket No.</u>
11/275,780	November 30, 2007	Office Action	H0817.70000US01
11/275,780	June 19, 2007	Office Action	H0817.70000US01
11/275,780	March 20, 2007	Office Action	H0817.70000US01

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

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Art Unit: 1616

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Dated: February 20, 2009

Respectfully submitted,

By: R. HAYEK
Roque El-Hayek, Reg. No. 55,151
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

WGS Date: xNDDx



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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2009		Complete if Known	
		Application Number	10/535,508-Conf. #7230
		Filing Date	December 16, 2005
		First Named Inventor	Roberto Angelo Motterlini
		Examiner Name	A. Soroush
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	1616
TOTAL AMOUNT OF PAYMENT	(\$ 180.00)	Attorney Docket No.	H0817.70001US00

METHOD OF PAYMENT (check all that apply)				
<input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____				
<input type="checkbox"/> Deposit Account Deposit Account Number: <u>23/2825</u>		Deposit Account Name: <u>Wolf, Greenfield & Sacks, P.C.</u>		
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)				
<input type="checkbox"/> Charge fee(s) indicated below		<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee		
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17		<input checked="" type="checkbox"/> Credit any overpayments		

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Small Entity		Small Entity		Small Entity		
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
	Utility	330	165	540	270	220	110
	Design	220	110	100	50	140	70
	Plant	220	110	330	165	170	85
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description							
Each claim over 20 (including Reissues) <u>52</u> <u>26</u>							
Each independent claim over 3 (including Reissues) <u>220</u> <u>110</u>							
Multiple dependent claims <u>390</u> <u>195</u>							
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
<u>- 20 or HP</u>		<u>x</u>	<u>=</u>	<u></u>	Fee (\$)	Fee Paid (\$)	
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Fee (\$)		
<u>- 3 or HP</u>		<u>x</u>	<u>=</u>	<u></u>	Fee (\$)	Fee Paid (\$)	
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets		Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)		
<u>- 100 =</u>		<u>/50 =</u>	<u>(round up to a whole number) x</u>	<u>=</u>	<u></u>		
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): <u>1806 Submission of an Information Disclosure Statement</u> <u>180.00</u>							

SUBMITTED BY						
Signature			Registration No. (Attorney/Agent)	55,151	Telephone	617.646.8000
Name (Print/Type)	Roque El-Hayek		Date	February 20, 2009		

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Dated: February 20, 2009

Signature: